Response

Applicants' counsel has relocated her office. Please address all future correspondence in the application to:

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By this response, new claim 25 has been added. Claims 16-20 have been canceled. Claims 1-15 and 21-25 are pending in the application. Claims 1, 11, 21 and 25 are in independent form. No additional claim fees are required. This response is being filed within three months of the Office Action outstanding. Accordingly, no time extension request or time extension fee is required.

In the Office Action dated November 15, 2004, the Examiner objected to the drawings. Applicant submits herewith a replacement drawing sheet and a corresponding Letter to the Official Draftsperson. Applicant believes the replacement drawing sheet will be acceptable to the Examiner and respectfully requests the Examiner to withdraw the objection to the drawings.

In the Office Action dated November 15, 2004, the Examiner rejected claims 1-9, 11 and 21-24 under 35 U.S.C.

102(b) as allegedly being anticipated by Keller. Applicant respectfully disagrees.

In the Office Action the Examiner states: "the Keller reference discloses an anti-siphon 'fuel filler assembly' 10 comprising a 'tube' 12, a 'first crimp' 16, a 'second crimp' 27, a 'restriction structure' (unlabeled at bottom of tube), 'arms' 29 and 'apertures' 31 as claimed." The restriction structure the Examiner is referring to is the first and second crimp 16 and 27. Accordingly, the restriction structure is labeled, it is labeled as first crimp 16 and second crimp 27.

The Keller specification reiterates that the crimps themselves are the restriction structure: "To prevent the insertion of a siphon hose or the like through the filler neck tube 12 and into the fuel tank 24, the end 16 shown in FIG. 1 is crimped inward." Column 2, lines 50-52.

In contrast, Applicant's independent claim 1 recites:

> "a tube including a first end region ... including a first crimp and a second crimp; and
>
> a restriction structure positioned in said tube between said first crimp and said second crimp, said restriction structure including apertures sized for allowing fuel to flow therethrough while preventing the insertion of a siphon hose into said tank."

Applicant's restriction structure is a separate element from Applicant's first and second crimps. In particular, Applicant's restriction structure is positioned between the first and second crimps.

Keller does not teach or suggest a restriction structure that is a separate element from its first and second crimps, as recited in Applicant's claim 1. Accordingly, Keller does not anticipate Applicant's claim 1 and Applicant respectfully requests the Examiner to withdraw the rejection of and to allow independent claim 1 and corresponding dependent claims 2-9.

Applicant's independent claim 11 recites: "said filler tube insert ... having an anti-siphon insert crimped within said first end region, said anti-siphon insert including a plurality of apertures for allowing fuel flow therethrough." Accordingly, Applicant's claim 11 recites an "anti-siphon insert" that is "crimped" within the filler tube. The anti-siphon insert is a separate element from the tube and, in particular, is a separate element from the crimps that are a component of the tube.

Keller does not teach or suggest an anti-siphon insert that is a separate element from the filler tube, or from the crimps within the filler tube. Accordingly, Keller does not anticipate Applicant's claim 11 and Applicant respectfully requests the Examiner to withdraw the rejection of and to allow independent claim 11.

Applicant's independent claim 21 recites: "restriction means positioned in said tube." More particularly, Applicant's claim 21 recites "restriction means" that is

positioned "in" the tube. The restriction means, therefore, is a separate element from the tube.

Keller does not teach or suggest a restriction means that is a separate element from the tube. Accordingly, Keller does not anticipate Applicant's independent claim 21 and Applicant respectfully requests the Examiner to withdraw the rejection of and to allow independent claim 21, and corresponding dependent claims 22-24.

In the Office Action dated November 15, 2004, the Examiner rejected claims 1, 2 and 10-15 under 35 U.S.C. 102(b) as allegedly being anticipated by Kettler. Applicant respectfully disagrees.

Applicant's independent claim 1 recites:

> "An anti-siphon fuel filler assembly for placement in a fuel tank, comprising:
> a tube including a first end region adapted to be positioned in said fuel tank for allowing fuel to flow therethrough into said tank, said first end region including a first crimp and a second crimp; and
> a restriction structure positioned in said tube between said first crimp and said second crimp, said restriction structure including apertures sized for allowing fuel to flow therethrough while preventing the insertion of a siphon hose into said tank."

Accordingly, Applicant's claim 1 recites a "restriction structure" that is "positioned in said fuel tank between said first crimp and said second crimp" Additionally, the restriction structure includes "apertures", not a single elongate aperture. As stated in Applicant's specification, the use of multiple apertures provides strength and stability to the insert:

"Central hub 70 may define an aperture 74 positioned therein and spokes 72 may define a plurality of apertures 76 positioned therebetween. Apertures or openings 74 and 76 may [be] sized so as to allow fuel and air to easily flow through insert 44, but may be sized so as to prevent insertion of a siphon hose therethrough and into interior 62 of fuel tank 52. The cylindrically symmetrical shape of insert 44 may add strength and stability to insert 44 such that insert 44 may not be easily broken or damaged by a vandal attempting to force a hose into tank 52 or a pry bar into filler assembly 10 to remove the insert therefrom." (Applicant's specification, page 5, lines 18-26). (emphasis added).

The multi-aperture design of Applicant's insert may also allow ease of manufacturing of the insert by the process of extrusion, without further processing. ("Insert 44 may have a structure that is symmetrical about a central point of the insert, such as the snowflake or hub-and-spoke shape as shown, such that the insert may be easily manufactured by the process of extrusion." Applicant's specification, page 5, line 30 through page 6, line 1).

Kettler, does not teach or suggest a restriction structure that includes multiple "apertures." Accordingly, Kettler does not anticipate Applicant's claim 11 and Applicant respectfully requests the Examiner to withdraw the rejection of and to allow independent claim 11 and corresponding claims 12 and 15.

More particularly, the elongate spring design of Kettler provides virtually no strength to the central component of the elongate spring. A vandal pushing a siphon hose against

the elongate spring of Kettler would be able to move the central component of the elongate spring such that the spring would be stretched like a cone within the tube. Such a cone shaped stretched spring may allow a siphon hose to be pushed through the spring. Additionally, the elongate spring of Kettler, which defines a single elongate aperture, must be shaped, i.e., curled around itself, prior to insertion within a tube. In contrast, Applicant's multiple "apertures" design need not be shaped but may be extruded and then placed directly within a tube without further processing. Accordingly, Applicant's multiple "apertures" shape has benefits not anticipated by Kettler. Kettler does not anticipate Applicant's multiple "apertures" as recited in claim 1 and Applicant respectfully requests the Examiner to withdraw the rejection of and to allow independent claim 1 and corresponding claims 2 and 10.

Applicant's independent claim 11 recites:

> "A fuel tank, comprising:
> a tank including an opening for receiving fuel therethrough; and
> a filler tube insert positioned in said tank opening, said filler tube insert including a first end region received within said tank and having an anti-siphon insert crimped within said first end region, said anti-siphon insert including a plurality of apertures for allowing fuel flow therethrough."

Applicant's claim 11 recites a "filler tube insert" that includes a "plurality of apertures", not a single elongate aperture.

Kettler, does not teach or suggest a filler tube insert that includes a "plurality of apertures." Accordingly, as discussed above, Kettler does not anticipate Applicant's claim 11 and Applicant respectfully requests the Examiner to withdraw the rejection of and to allow independent claim 11 and corresponding claims 12 and 15.

By this response Applicant has added new independent claim 25 which recites "an anti-siphon insert having a plurality of apertures defined by arms extending cylindrically outwardly from a central hub." The language of new claim 25 is taken from originally filed claim 21. The cited prior art references do not teach or suggest an insert including "a plurality of apertures defined by arms extending cylindrically outwardly from a central hub." Accordingly, Applicant believes new claim 25 is in condition for allowance and respectfully requests the same.

Conclusion

In view of the above noted remarks, this application is believed to be in condition for allowance and notice thereof is respectfully solicited. The Examiner is urged to contact applicant's attorney, Ingrid McTaggart, at 503-230-7934 if there are any questions.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited as first class mail with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, P.O. Box 1450. Alexandria, VA 22313-1450, on this 15th day of February, 2005.

Ingrid McTaggart